## **Public Notice**

**Applicant:** Date:

NYSDOT Published: Aug. 6, 2001

Expires: Sept. 5, 2001

U.S. Army Corps of Engineers

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 2001-01840(3) Section: NY 404

Application for Permit under Authority of Section 404 of the Clean Water Act (33 U.S.C. 1344).

The New York State Department of Transportation (NYSDOT), Region 2, 207 Genesee Street, Utica, New York 13501, proposes to discharge fill into approximately 3.6 acres of jurisdictional wetland and 450 linear feet of the Mud Creek floodplain to construct Phase IV of the Judd Road Connector Project. The proposed four mile, 4-lane highway will provide a transportation route from Judd and Halsey Roads in the Town of Whitestown to the intersection of Routes 5, 20, and Route 8 in the Town of New Hartford, Oneida County, New York.

Specifically, the NYSDOT proposes to complete the Judd Road Connector Project by constructing a new highway from Middle Settlement Road interchange to the existing Judd/Halsey Road interchange. Approximately 37 acres of wetland were delineated within the project area, including New York State Department of Environmental Conservation Freshwater Wetland UW-8. Accordingly, the NYSDOT proposes to compensate for the permanent loss of wetland by creating a total of 8.0 acres of new wetland consisting of wet meadow, emergent marsh, scrub shrub and forested wetland as shown on the attached drawings. In addition, the DOT has agreed to purchase approximately 69 acres of land that includes 45 acres of existing wetland and 24 acres of upland to provide a buffer zone between the wetland and adjacent upland development. These areas will be preserved to provide wildlife habitat, improve water quality and flood attenuation in the Mud Creek/Oriskany Creek watersheds. In order to compensate for the filling and realignment of Mud Creek, the NYSDOT may be required to create, restore and/or enhance at least 450 feet of new stream to replace fish habitat.

The NYSDOT has considered various practicable alternatives to discharging fill into 3.6 acres of wetland. However, after considering those alternatives, the NYSDOT determined that the current proposal is the least damaging practicable alternative.

The purpose of the project is to provide an efficient, cost effective transportation system that is compatible with local land use plans and solves identified transportation problems while minimizing the social, economic and environmental impacts to the surrounding area.

Location and details of the above described work are shown on the

attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Sandra L. Doran, who can be contacted by calling (315) 255-8090, or by e-mail at: sandra.l.doran@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021-8964, and should be marked to the attention of Sandra L. Doran, or by e-mail at: sandra.l.doran@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

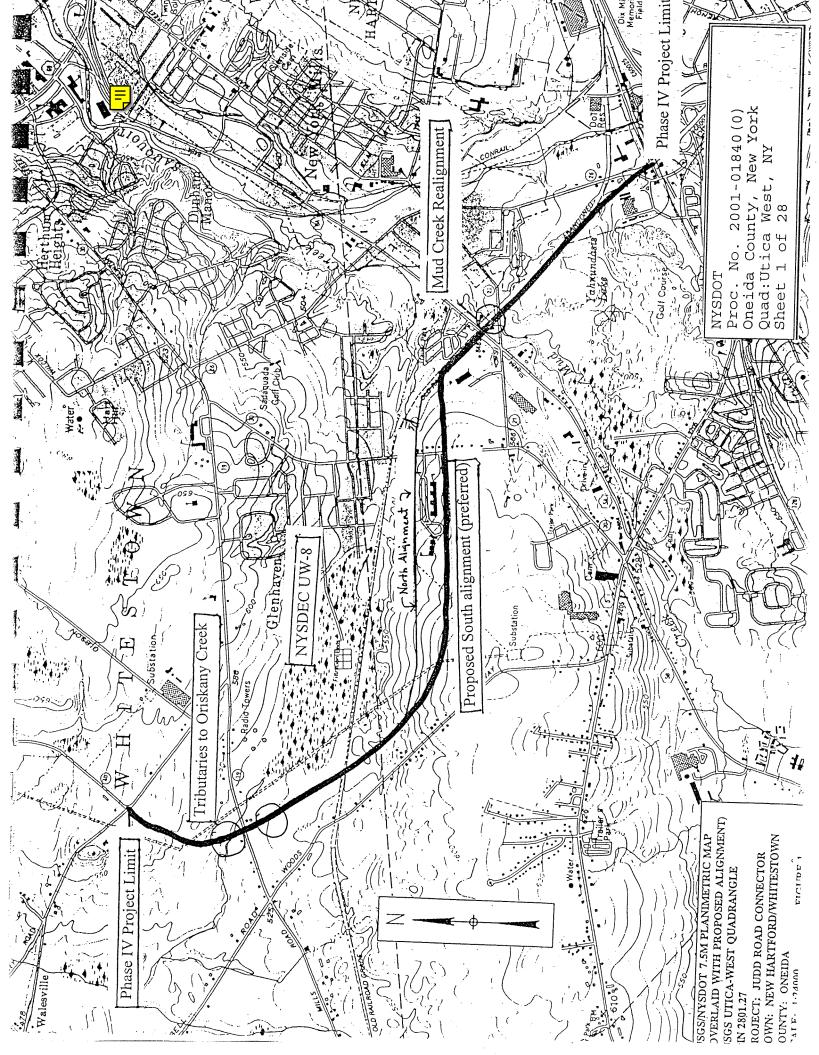


Table 1: Federal Wetland Impacts (acres=ac.)

Wetland	COE jurisdiction	Wet Meadow	Emergent Marsh	Shrub Swamp	Forested Wetland	Total Area (acres)
A	404 trib to Oriskany Creek	0.93	0	0.11	0	1.04
В	"	0	0	0.14	0	0.14
C*	• "	0.03	0	0	0	0.03
D*	66	0	0	0	0.01	0.01
F*	"	0	0	0.94	0	0.94
G*	44	0.03	0.33	0.30	0	0.66
I*	"	0	0	0.02	0	0.02
L*	44	0.08	0.13	0.32	0	0.53
JJ	"	0	0	0.12	0	0.12
CC	Mud Creek	0	0	0.08	0	0.08
Total ac.		1.07	0.46	2.03	0.01	3.57

USCOE jurisdictional wetlands = 3.6 Ac. (Isolated =2.04 Ac.)

Table 2: Potential Wetland Mitigation (Creation) Sites

Wetland Creation Sites	Total Wetland Created	Wet meadow	Emergent Marsh	Scrub-shrub Wetland	Forested Wetland
Risley Springs	1.26		0.88	0.25	0.13
Woods Road	3.05		1.38	1.06	0.61
Clark Mills Rd	2.17	0.54	0.22	1.41	
Halsey Road	1.62	0.32	0.16	1.14	
Total acres	8.10	0.86	2.64	3.86	0.74

Table 3: Acquisition of Buffer Areas adjacent to mitigation sites

Acquisition parcels (ac)	Upland	Wetland	Wet Meadow	Emergent	Scrub Shrub	Forested
		10.0		0.0		
19.0		19.0	7.0	9.0	3.0	
9.5	3.5	6.0		0.7	5.3	
29.4	17.0	12.4		9.0		3.4
4.9	1.0	3.9			3.9	
3.7	2.0	1.7	0.2		1.0	0.5
2.3	0.7	1.6	0.6	-	1.0	
Total 68.8 ac.	24.2	44.6	7.8	18.7	14.2	3.9

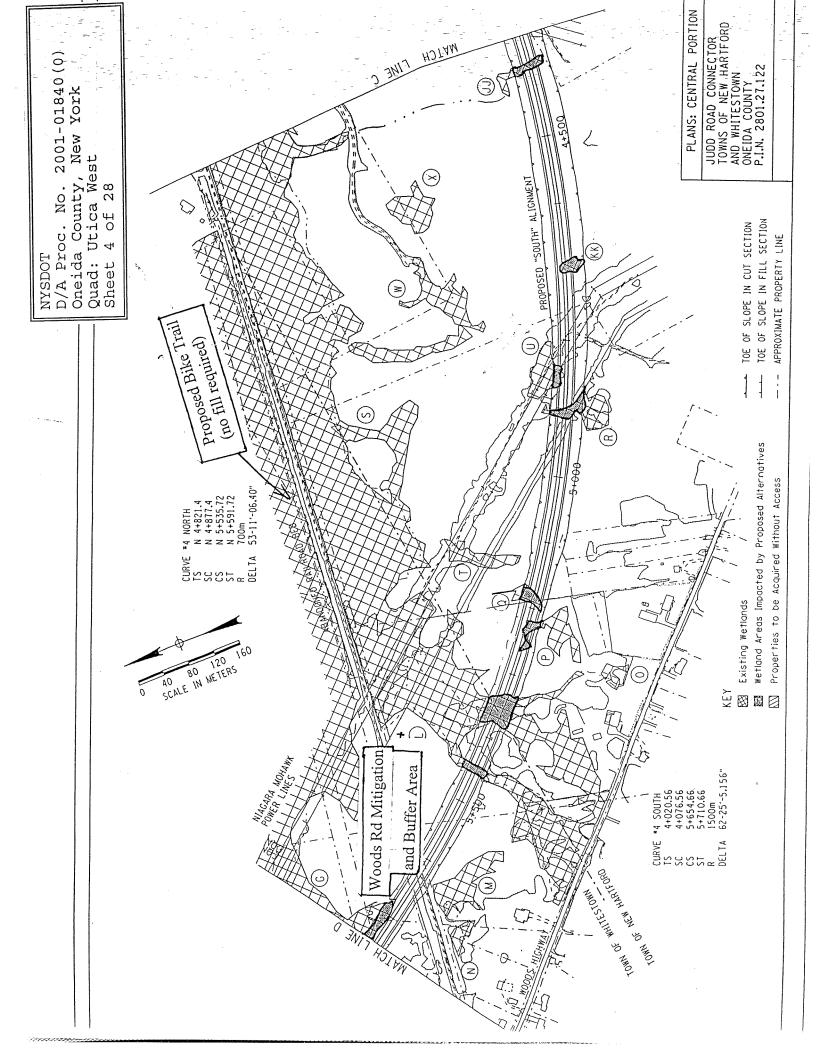
NYSDOT

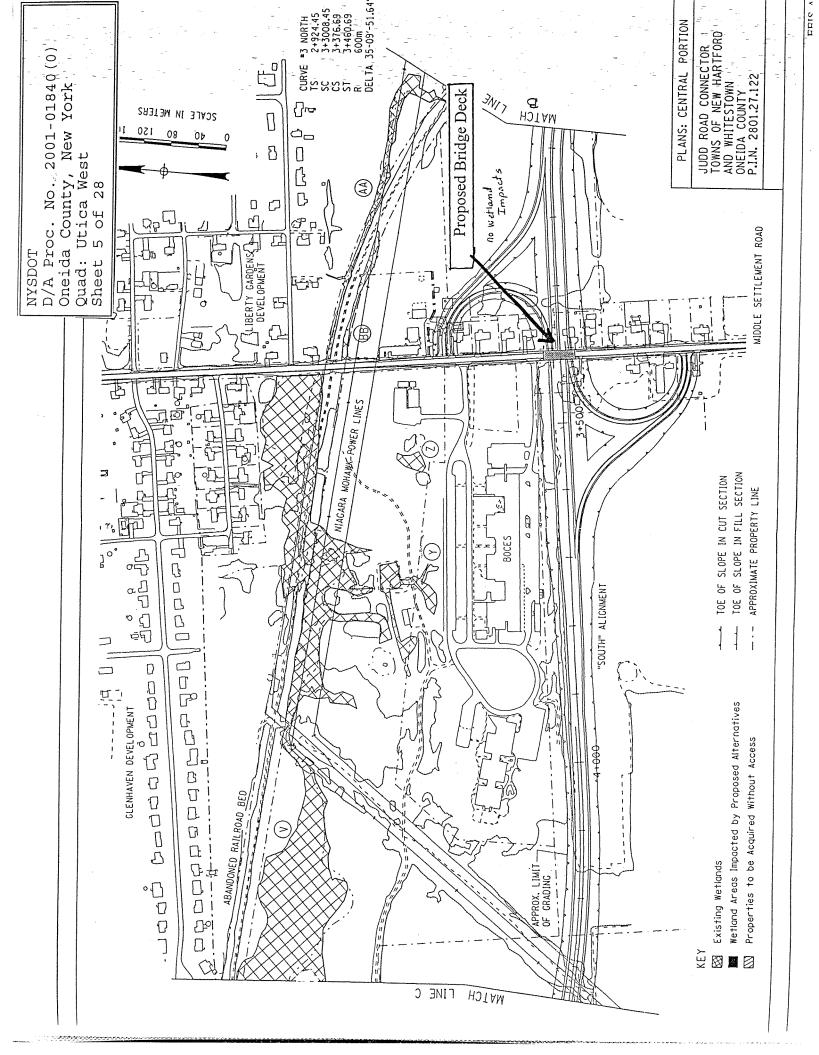
D/A Proc. No. 2001-01840(0)

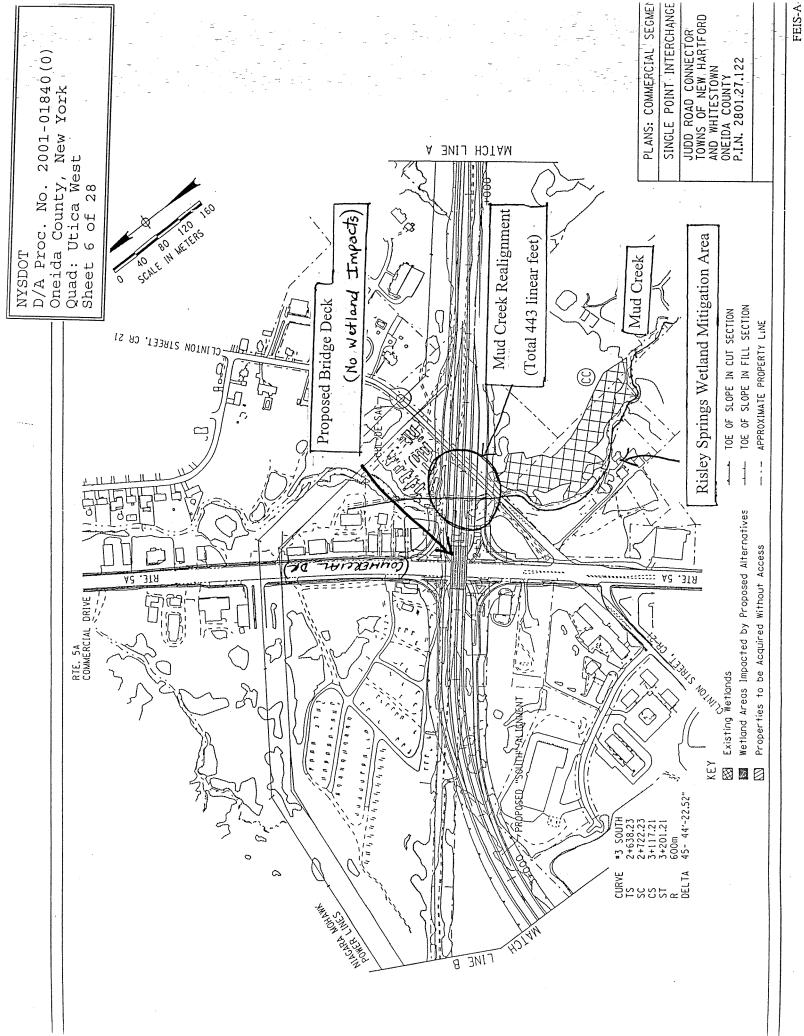
Oneida County, New York

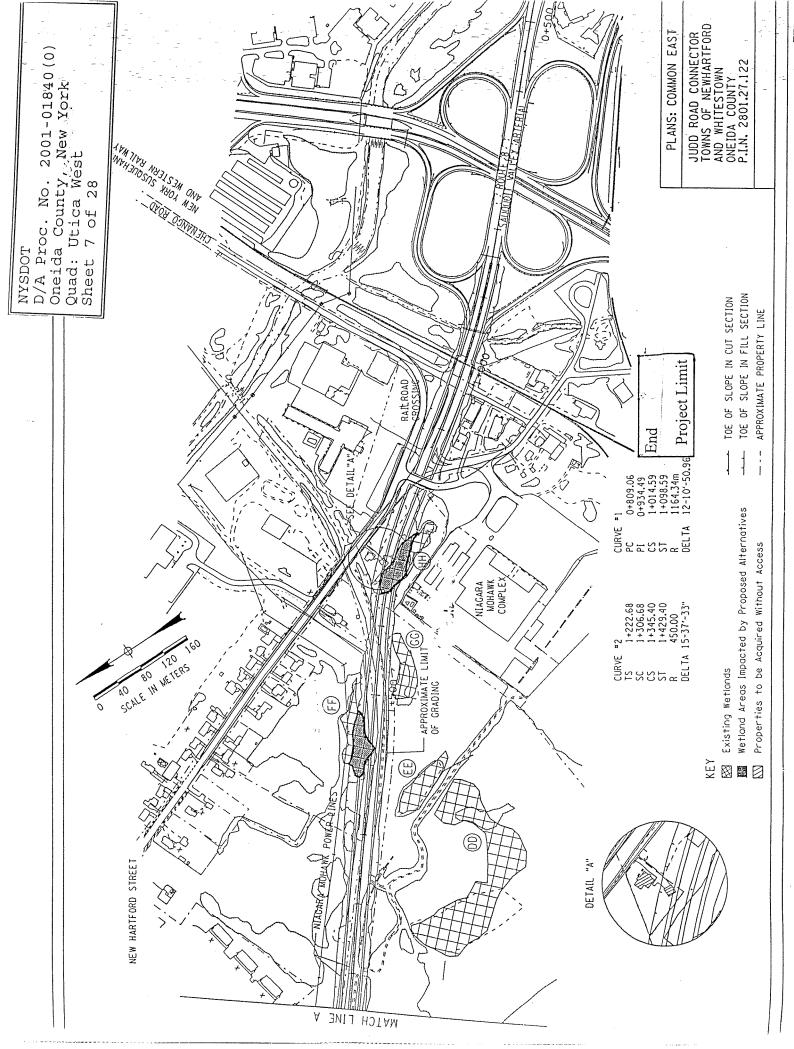
Quad: Utica West Sheet 2 of 28

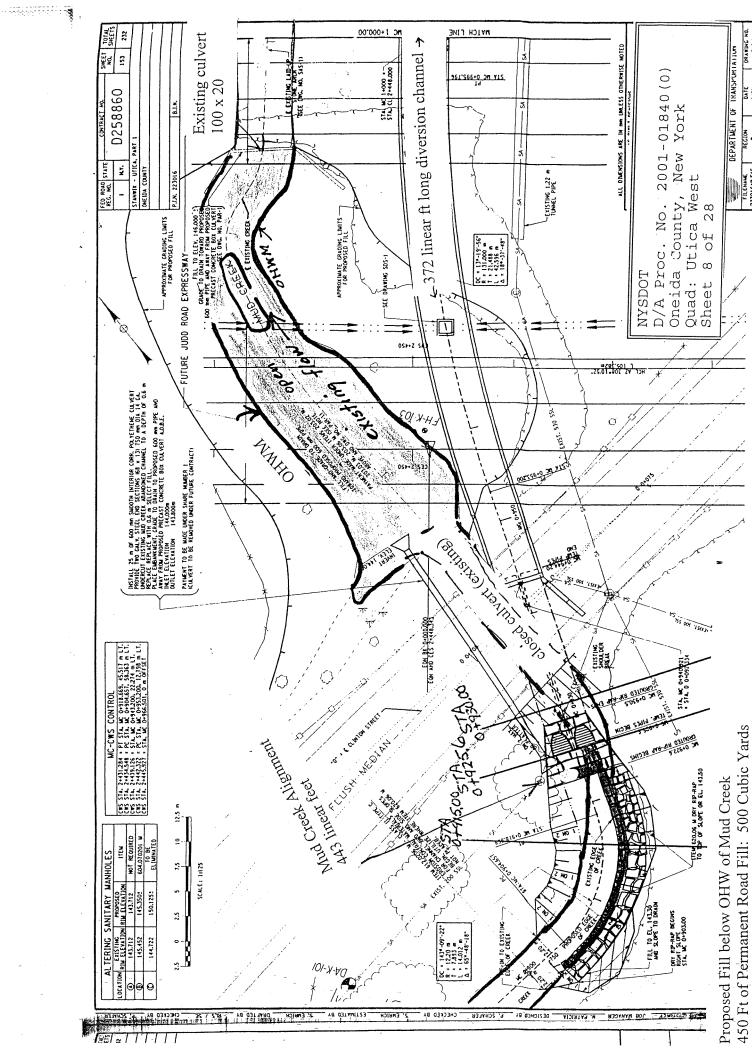
<sup>\*</sup>NYSDEC freshwater wetlands = 2.2 Ac.









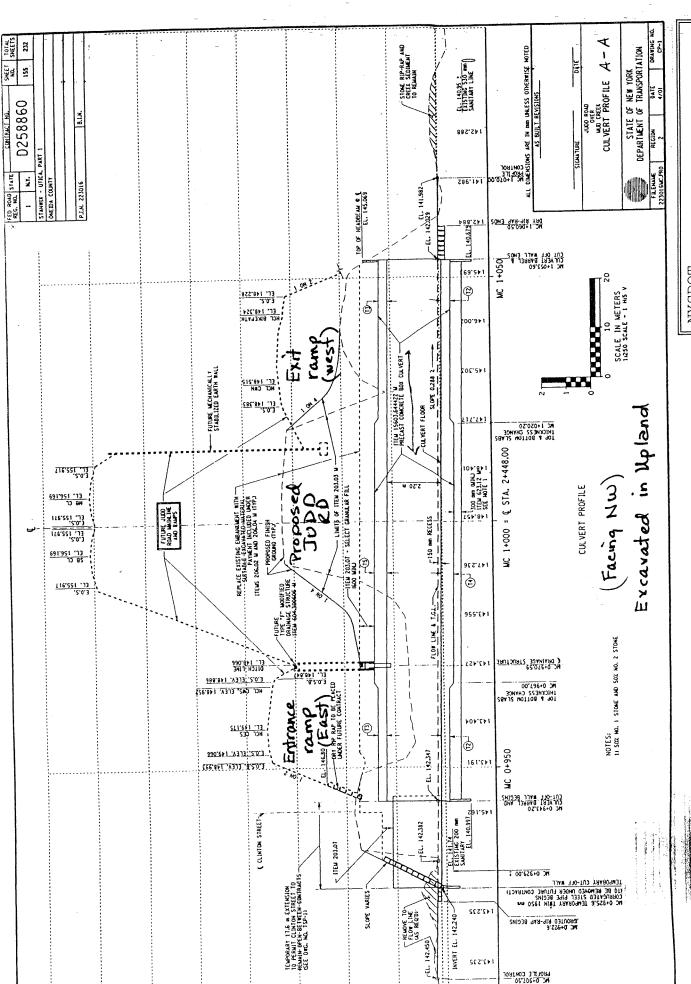


450 Ft of Permanent Road Fill: 500 Cubic Yards
Bank Stabilization SE bank of Mud Creek 20 cyds along 65 feet of bank
Stone pad at inlet and outlet 8.4 cubic yards (each location)



Fill below OHWM of Mud Creek

Plan View



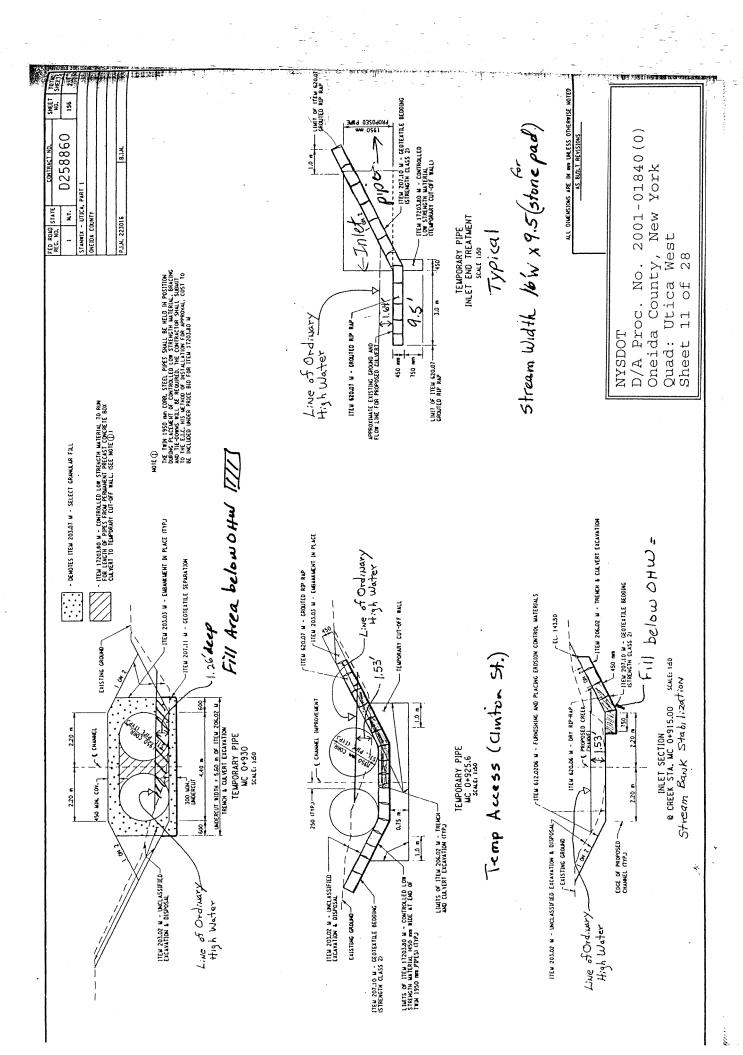
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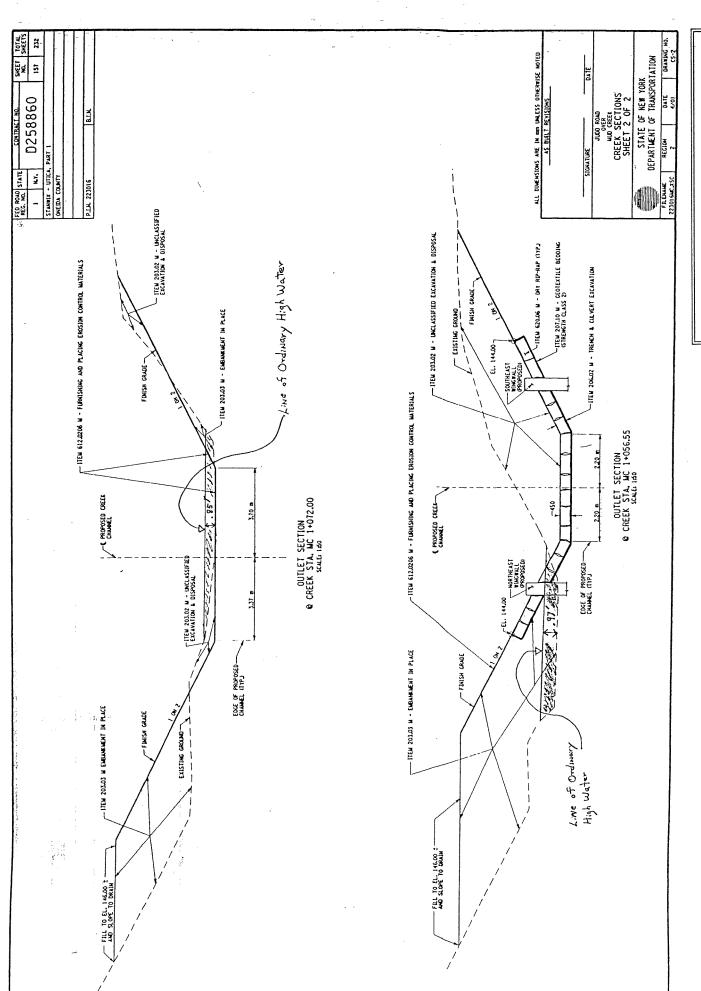
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Oneida County, New York

Quad: Utica West

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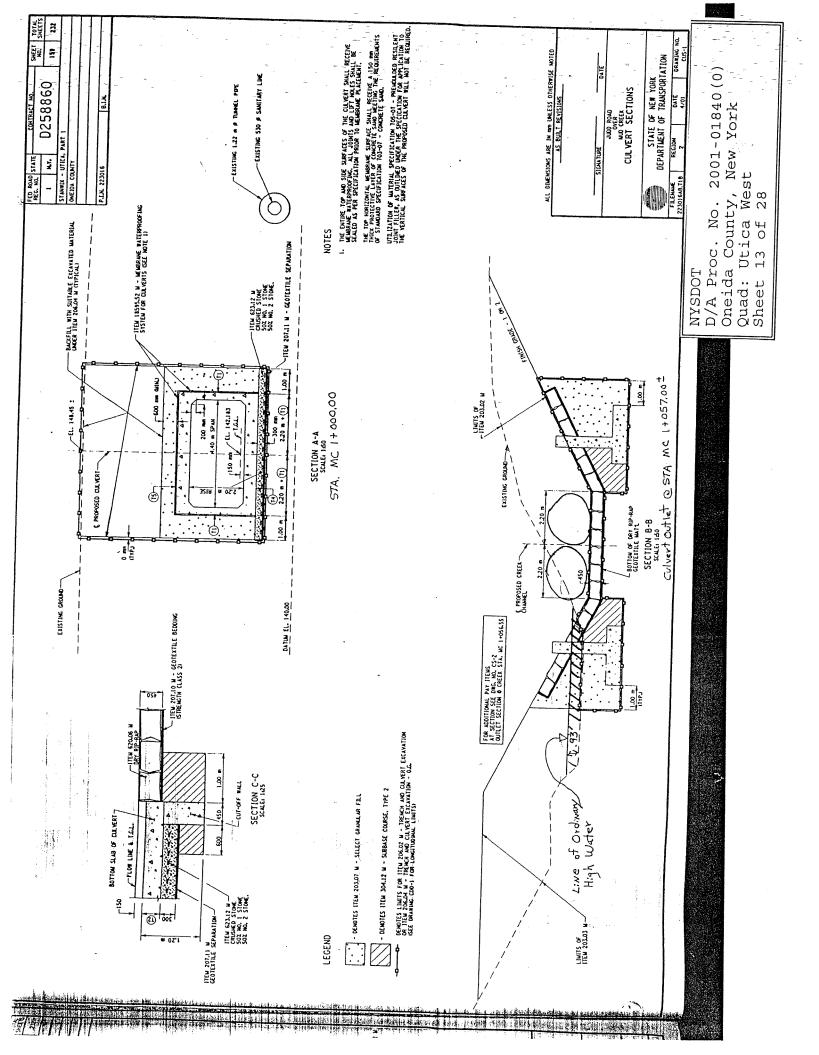


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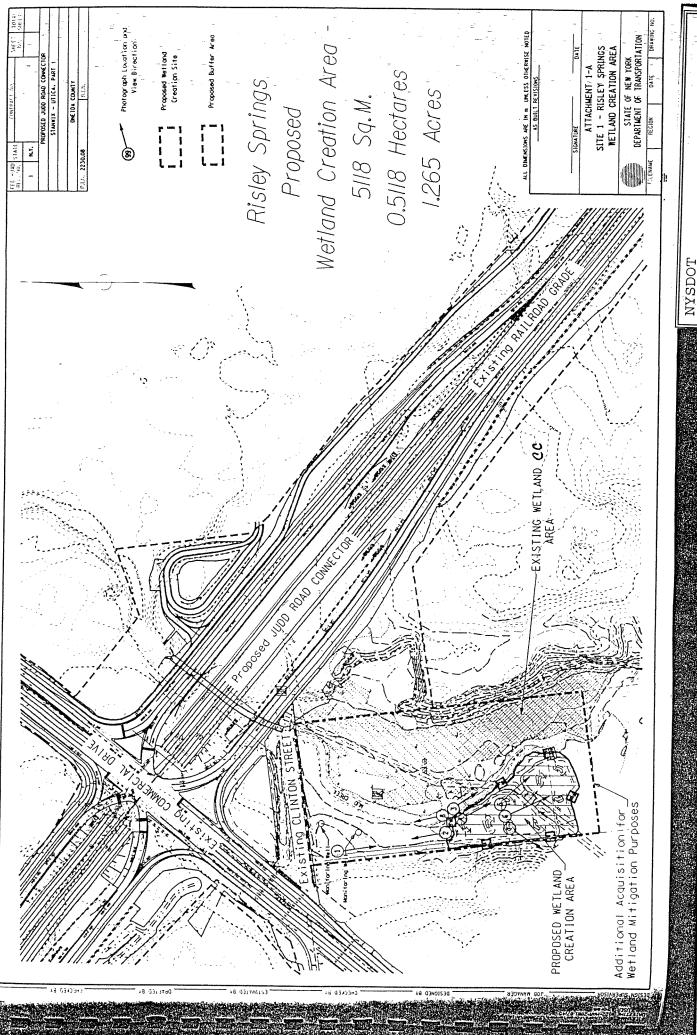
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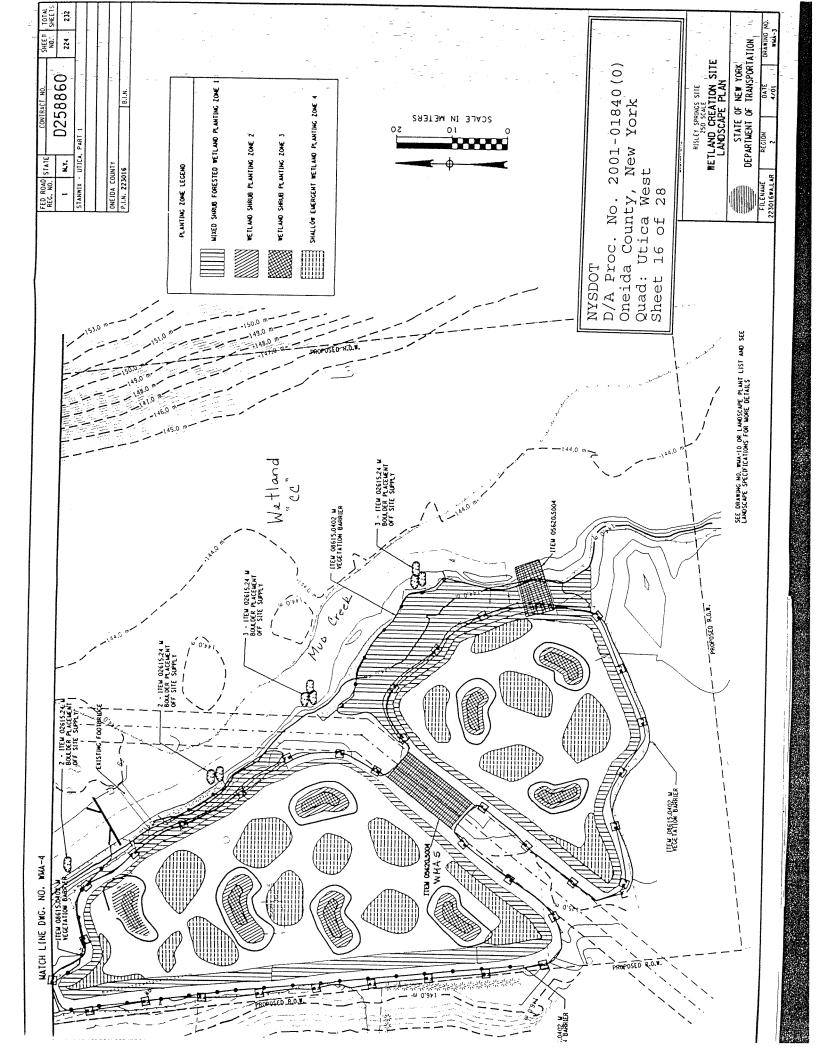
Acquisition		Wetland	Wet	Emergent	Scrub	Forested
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(19.0		19.0	7.0	9.0	3.0	
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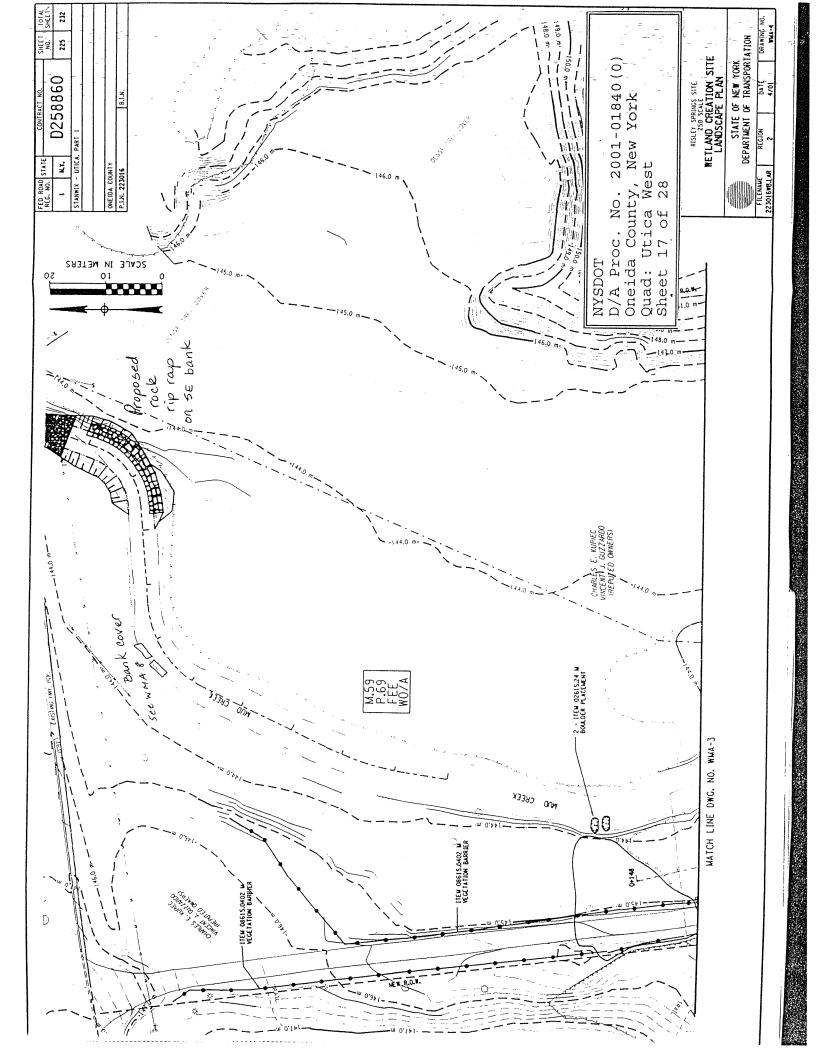
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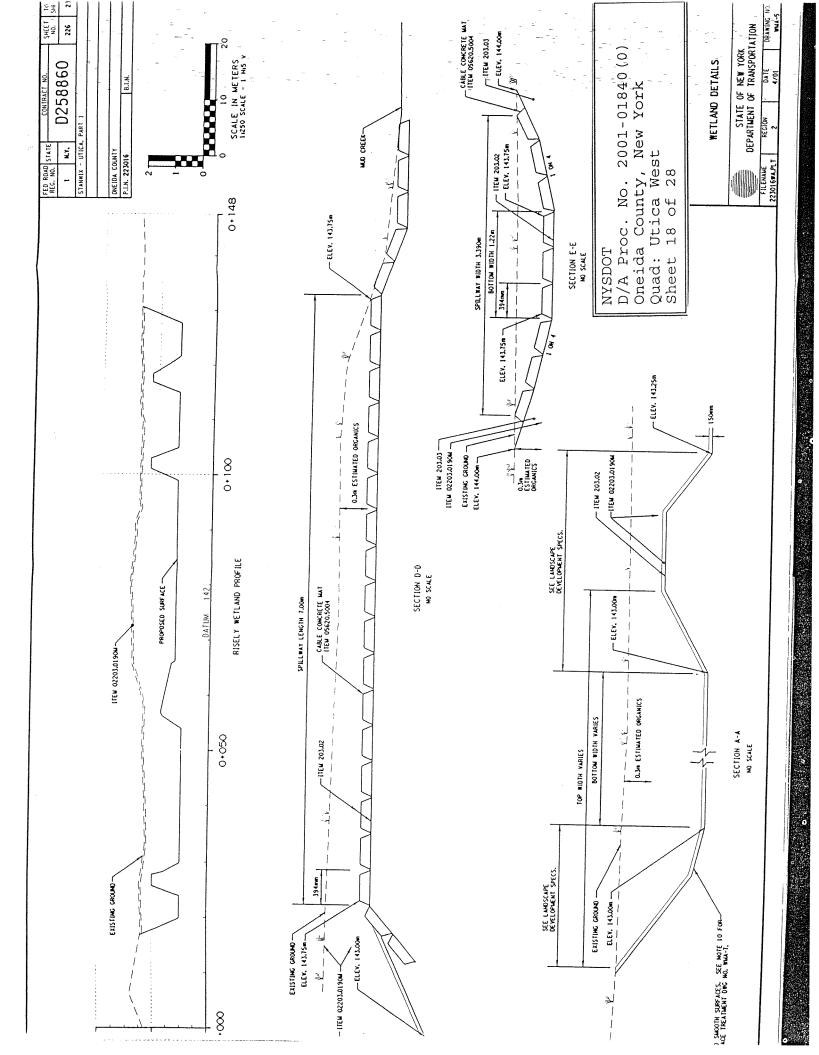
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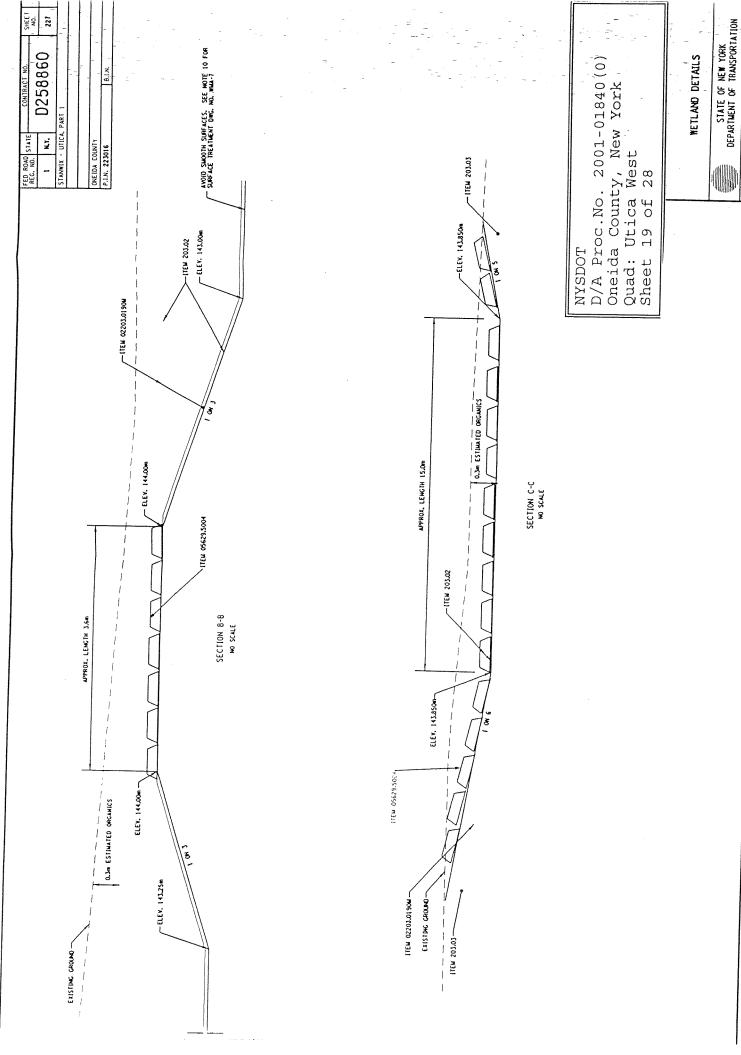


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RECION

## RISLEY SPRINGS WETLAND CREATION SITE SPECIAL NOTES;

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ONE IDA COUNT P.I.N. 223016

ISLEY SPRINGS WETLAND CREATION SITE SPECIAL NOTES:

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ENERGENT WETLAND PLANT ZONE 4

SHRUB WETLAND PLANT ZONE 24.3

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RISLEY SPRINGS WETLAND CREATI

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STATE OF NEW YORK DEPARTMENT OF TRANSPORT

REGION

## SUPPLENENTAL LANDSCAPE DEVELOPMENT SPECIFICATIONS INFILAND CREATION AREAS

ITEM 611 M - PLANT LIST

SHEET NO. 2

0258860

FED ROAD STATE ř. TANWIX - UTICA.

B.1.N.

ONEIDA COUNTY P.I.N. 223016

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LD40114 W	80	LINDERA BENZODA/ SPICEBUSH	450 mm MIX. HT	88 98 COMT	3	SEE THE NOTES AT THE END OF THE
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N £1101071	200	MIMALUS RINCENS/ MONRET FLONER	150 PM MIN, HT	\$200 81.	33	SEE THE NOTES AT THE END OF THE PLANT LIST. PLANT 2.5 M OM CENTER.

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> KEY TO ABBREVIATIONS, DBH - DIAMETER BREAST HIGH (1.4 m ABOVE CROUND) CAL. - CALIPER NOTES:

RC - ROOTED CUTTING CIRC, - CIRCUMFERENCE CONT - CONTAINERIZED NS - NATIVE SOIL BR - BARE ROOT BAB - BALLED & BURLAPPED B&P - BALLED & PLATFORMED

ALL DIMENSIONS ARE IN IN UNLESS OTHERWISE MOTED

N.C. - MJRSERT CROWN C - COLLECTEDSSEE ANSI 2260.1 / 1996 FOR ROOT BALL SIZES)

WOTE "IT PLANTS LOCATED IN THE NETLAND CREATION AREAS SHALL HAVE AS DAY PERIOD OF ESTABLISHWAYT.

LONG PLANT SHALL HAVE AN I TICAR PRIOD OF ESTABLISHWAYT.

SEALER PLANT SHALL HAVE AN I TICAR PRIOD OF ESTABLISHWAYT.

SEALER PLANT HATRIBILS TRANTON HIT HATRICARDE LOSS. THE GO DAY PERIOD OF ESTABLISHWAYT.

WOTE "2". ALL PLANT MATRIBILS SPACED MAS IN COOR DEMONSTRATION DEMONSTRATED AND SPECIFICAL MATRICAL CONTROL SPACED MAS IN MATRICAL SHALL BANTON AND SPECIFICAL MATRICAL CHARLES OF MASSECTION OF THE SEMINERS RECORDS. STATE CONTROL CHARLES OF MASSECTION OF THE STATE SEMINERS AND SPECIFICAL MATRICAL CHARLES TO HAS DESURED. A LIST OF PLANT MATRIBILA MAD QUANTITIES IS REQUIRED FOR MAY MAD THE MATERIAL SHALL BET BOTO THAT MATRIAL SHALL BE CHARLES FOR MAY MATERIAL SHALL BE CHARLESTED.

DATE METLAND CREATION SITE LANDSCAPE PLANT LIST

STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION

DATE 4/01 RECIDA FILENAME 223016WALAR

